


FEB 07 2012

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

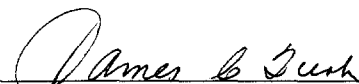
UNITED STATES OF AMERICA,	)	CASE NO. 7:00CR00022
	)	CASE NO. 7:99CR00048
	)	
vs.	)	<u>FINAL ORDER</u>
	)	
	)	
REGINAL MIMMS,	)	By: James C. Turk
	)	Senior United States District Judge
Defendant.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that this action, filed as a petition for a writ of *audita querela*, pursuant to 28 U.S.C. § 1651(a), is **CONSTRUED AND DISMISSED** without prejudice as a successive motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255, and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 7<sup>th</sup> day of February, 2012.

  
\_\_\_\_\_  
Senior United States District Judge